

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CEDRIC DEWAYNE MCNEAL,

Petitioner,

v.

2:23-CV-103-Z-BR

DIRECTOR, TDCJ-CID,

Respondent.

**ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
AND  
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Before the Court are the findings, conclusions, and recommendation of the United States Magistrate Judge to dismiss the petition for writ of habeas corpus filed by Petitioner. ECF No. 5. No objections to the findings, conclusions, and recommendation have been filed. After making an independent review of the pleadings, files, and records in this case, the Court concludes that the findings, conclusions, and recommendation of the Magistrate Judge are correct. It is therefore **ORDERED** that the findings, conclusions, and recommendation of the Magistrate Judge are **ADOPTED**, and the case is **DISMISSED**.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of appealability. The Court adopts and incorporates the Magistrate Judge's findings, conclusions, and recommendation in support of its finding that Plaintiff has failed to show that reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" or "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If Plaintiff elects to file a notice of appeal, he may either pay the appellate filing fee or move for leave to proceed *in forma pauperis* on appeal.

**IT IS SO ORDERED.**

September 11, 2023



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MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE